

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CRAIG JONES,

Plaintiff,

v.

CREDENCE RESOURCE
MANAGEMENT LLC,

Defendant.

CIVIL ACTION NO.
1:24-cv-03156-MLB-RDC

ORDER

Plaintiff seeks to commence this consumer-credit action without prepayment of fees and costs or security therefor pursuant to 28 U.S.C. § 1915(a). After consideration of the affidavit of indigency, Plaintiff's application to proceed *in forma pauperis* ("IFP") is **GRANTED**.

Further, considering the allegations, the Court cannot find that this action is entirely implausible, frivolous, or malicious. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e)(2)(B). It is thus **ORDERED** that Plaintiff's action is **ALLOWED TO PROCEED** as any other civil action. The Clerk is **DIRECTED** to send Plaintiff the USM 285 form, summons form, and the initial disclosures form.

Plaintiff is **DIRECTED** to complete these forms and return them to the Clerk of Court within **TWENTY-ONE (21) DAYS** from the entry date of this Order. The Clerk is **DIRECTED** to resubmit this matter to the undersigned if Plaintiff fails to

comply. **Plaintiff is warned that failure to comply on time could result in the dismissal of this action.**

Next, upon receipt of the completed forms by the Clerk, the Clerk is **DIRECTED** to prepare the service waiver package(s). The service waiver package(s) must include the following items:

- (i) two Notices of Lawsuit and Request for Waiver of Service of Summons (prepared by the Clerk);
- (ii) an envelope addressed to the Clerk of Court with adequate first-class postage for return of the Waiver of Service forms;
- (iii) one copy of the complaint;
- (iv) one copy of the initial disclosures form; and
- (v) one copy of this Order.

The Clerk shall retain the USM 285 forms and the summonses.

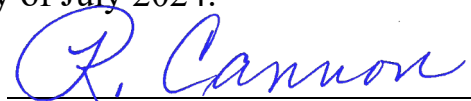
After each service waiver package has been prepared, the Clerk is **DIRECTED** to complete the lower portion of the Notice of Lawsuit and Request for Waiver forms and to mail the service waiver packages. Each Defendant has a duty to avoid unnecessary costs of serving the summons. If a Defendant ignores the request for waiver of service, it must bear the costs of personal service unless good cause can be shown for failure to return the Waiver of Service form.

If a Defendant does not return the Waiver of Service form to the Clerk of Court within **THIRTY-FIVE (35) DAYS** following the date the service waiver package was mailed, the Clerk is **DIRECTED** to prepare and transmit to the U.S. Marshal's Service a service package. The service package must include the USM 285 form, the summons, and one copy of the complaint. Upon receipt of the service packages, the U.S. Marshal's Service is **DIRECTED** to personally serve the appropriate Defendant(s). Each executed Waiver form or completed USM 285 form shall be filed with the Clerk.

Plaintiff is **DIRECTED** to serve on Defendants a copy of every additional pleading or other document which is filed with the Clerk of the Court. Each pleading or other document filed with the Clerk must include a certificate stating the date on which an accurate copy of that paper was mailed to a Defendant or its counsel. This Court will disregard any submitted papers which have not been properly filed with the Clerk or which do not include a certificate of service.

Finally, Plaintiff is also **REQUIRED** to keep the Court and Defendants advised of his/her current address at all times throughout this action. **Plaintiff is cautioned that the failure to do so may result in the dismissal of this action.**

IT IS SO **ORDERED** on this 19th day of July 2024.



REGINA D. CANNON

United States Magistrate Judge